

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CLERKS OFFICE  
2005 FEB 25 P 3:10

ERIC KELLEY,

Plaintiff,

v.

SHIRIFF DI PAOLO, et al.

Defendants.

C.A. No. 04-11192-RCL

U.S. DISTRICT COURT  
DISTRICT OF MASS

MEMORANDUM OF LAW IN SUPPORT  
MOTION FOR A MEDICAL TRIBUNAL.

FEDERAL COURT PROCEEDINGS

John Zamboni, Bitten By Spider = no diagnosis

Vincent Toffi; SKIN DAMAGE, SEVERE BOILS, CONSTANT INCHWORMS

Henry Espinola; Could not breathe no oxygen on jail (went to outside roof)

Michael Winn; fell through the floor, no medical treatment

Paul Rosjan REFUSE treatment F&C severely

Infected testicles and skin areas

Michael Wappert - I broke my arm in half, I have a 10 inch rod now placed. I was the victim of many hours of delayed treatment and transportation

Gregory Orben: My emphysema, bronchitis, AZMA is never treated The pump is Always empty of oxygen The vents do not work I get chest pain and cant breathe.

Stephen Kelly - Had severe stroke infection cellitis in left foot - noticed on Saturday - asked C.C. to get me to medical 11:00 PM through weather - refused - Saw medical Sunday morning told me I'd be put in jail nothing wrong 11:00 AM taken to hospital 10:00 PM permanently secured

Pg #2 (White V. DiPaola et, al.)

parties continued.

5) DEPUTY GALITANO: Is the supervisory jail official in charge of the medical services, called the "H.S.U." (Hospital Service Unit). He has failed to implement qualified, trained staff. He is at all times a defendant.

6) STAFF DOCTOR: Is the doctor that inflicted, and medically violated the plaintiff. His name will be added in a discovery motion. At all times he is a defendant.

#### FACTS OF THE CASE.

7) On or about July 14th. 2004, the plaintiff was sentenced to 3 years at the Billerica H.O.C. (defendants jail).

8) The plaintiff aquired a job in the inmate dining hall. The defendants did not provide adequate footwear pursuant to the "C.M.R." state policy for kitchens. The shoes/sneakers were canvas, cheap rubber "Bo Bos" that cost aprox. 87¢ for the state to manufacture themselves. These sneakers had no arch support and caused the plaintiff a injury that resulted in swollen arches, puffy ankles and imense pain.

9) The plaintiff filled out numerous " Sick Call Slips " to see a doctor. It took two weeks for the plaintiff to finally be seen. This delay worsened, heightned and also exaberated the plaintiffs injury. The plaintiff was in serious pain during the entire wait for medical attention.

10) The plaintiff seen the (Staff Doctor), and he stated, " I am not a Podiatrist, but I'll try anything once"...

[illegible]

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*[Faint handwritten notes, possibly "afterwards"]*

~~Affidavit~~

John Zaniboni

I woke up one morning and went to the Infirmery This was a ~~saturday~~ Friday I had a small bump on my elbow it was bothering me. They told me it was a spider bite put me on penicillin and tylenol went back to infirmery on Monday my arm was black & blue from my armpit to mid forearm and it was very swollen they took me to Lowell Hospital for IV antibiotics and they brought me back here that night.

A day or two went by and the swelling and bruising got worse and the pain was unbelievable.

Again I was taken back to Lowell hosp IV antibiotics some shit taken from my elbow blood and poison. Was brought back here with Tylenol #3 for pain. And ~~oral~~ Antibiotics After a couple of days the swelling ~~went~~ went down to my hand and the pain was ~~so~~ extreme They took me to Lemuel Shattuck hosp in Roxbury They gave me percodan every 4 hrs 2 of them and one day out of 7 I was on morphine.

Dear Clerk Marsha

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Please file the  
attached affidavits  
in support of Motion  
for Medical Tribunal  
Previously filed.

Eric Kelley

No Certificate of Service  
Possible The defendant's  
refuse to allow me to  
see legal services or  
obtain copies

Eric Kelley

2/23/05